

Fellow Indians, Wake Up! VVPATs are currently being used as a mere tool to fool us.

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Jan 2

“If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.”

Dr. B.R.Ambedkar ([in his last speech to the Constituent Assembly](#))

Summary

VVPAT's purpose is to provide a voter verified paper trail to audit whether EVMs have recorded votes correctly. So proper audit with an adequate sample size is the essential aspect of using VVPATs and without proper audit VVPAT may become just a tool to fool voters giving them a false sense of verifiability & scrutiny. ECI has not been carrying out proper audit or even its July 2017 decision of 5% audit in the elections in last one and a half years. And if mismatch is detected in the arbitrary minuscule audit of 1 booth/constituency [ECI EVM VVPAT manual July 2018](#) doesn't even have a direction or clause to do/allow the necessitated full VVPAT audit . ECI has also vehemently opposed several cases by various parties in courts requesting for proper audit. Courts have evaded responsibility by leaving discretion to ECI & has failed to make ECI accountable. Mainstream media have remained silent even on grave issues like mass voter deletion & widespread mismatch in votes counted & polled suggesting EVM error/rigging in elections. In such an environment in which the Elections with EVM VVPAT technology is made unaccountable , the transparent & time tested Paper ballots must be preferred. Use of EVM VVPAT should not be allowed without proper , statistically sound audit & election rule for necessitated full VVPAT tally on mismatch in sample audit. Merely focusing on EVM ban has allowed grave issues of EVM VVPAT use to go unnoticed & unquestioned.

VVPAT stands for Voter verifiable paper audit trail

The purpose of VVPAT is to provide a voter verified paper trail to audit whether EVMs have recorded & reproduced votes correctly. This audit checks whether the results from EVM are correct & the election is valid.

A Voter checks at the time of voting whether the paper record of his vote is correct by verifying the VVPAT printout. The check whether the vote has been correctly recorded by the EVM is done by tallying aka auditing an adequate & statistically sound sample of this VVPAT slips. VVPAT Mismatch means the votes recorded by VVPAT & EVM don't tally. This is definite evidence of EVM error or EVM rigging. So if any mismatch occurs in the representative sample audited, it suggests that the results by EVM counting in the constituency is wrong & hence a full 100% VVPAT count of all booths of the constituency is essential to find the people's mandate or result. The most important elements of a valid audit are adequate sample size , transparent & independent randomization & full VVPAT tally on any mismatch.

(Describing more on VVPAT here as most voters & even political party leaders doesn't seem to have enough info about VVPAT, Significance of proper randomization , Meaning of mismatch & Necessity of full audit on mismatch—This also shows why paper ballots are much preferred.)

ECI's current procedure on VVPATs

ECI currently only allows VVPAT audit of 1 booth /constituency. In most constituencies this comes to about 0.4% of VVPATs used. For example in Gujarat election there were 50128 booths for 182 constituencies. So about 0.36%. aka 182/50128 booths were allowed to be audited there.

And on detecting VVPAT mismatch [ECI's EVM VVPAT manual \(Please read the full manual- ECI site—Archived file\)](#) doesn't have a clause or rule for the necessitated full audit of all the booths of the constituency.

Yes you read that right . There is no clause or rule for full audit on mismatch in the election manual. This defeats the very purpose of VVPAT audit (even on a proper sample size) & makes VVPAT a mere tool to fool voters.

Current rule on detecting mismatch is clause 56D(4)(b) , That is to accept the VVPAT tally instead of EVM tally in that booth with mismatch . There is no provision or rule to do/allow full VVPAT audit of all booths of constituency to detect peoples mandate which has been shown(by mismatch in sample) to be wrongly recorded by the EVM.

How much sample size is statistically sound or adequate

There are different types of election result audits like fixed percentage random sampling, fixed number random sampling, risk limiting audit etc. Risk limiting audit

sample sizes will depend on several factors and may vary from constituency to constituency & is done in stages . So it may make the election process further opaque to a population mostly clueless about EVM & VVPAT. So a fixed percentage/number audit across constituencies seems more adequate for India.

In context of General elections 2019 , this article "[Transparent use of statistical methods can help detect rigged electronic voting machines](#)" by ISI (*Indian Statistical Institute, Kolkata*) faculty discusses the statistics on percentage of VVPATs to be audited.

This analysis by ISI faculty tells the following “Let us take four different possibilities of level of potential rigging into account at the constituency level: 25%, 10%, 5% and 0.5%. We assume an equal distribution of 1.8 million EVMs across 543 constituencies. Tallying 11, 29, 58 and 534 V-VPATs per constituency would allow us to find a rigged EVM with 95% probability for each of these four scenarios.” This is after considering 1.8 million evms for General election that is about 3314 EVM/VVPATs per each of 543 constituencies.

So if there is 15 lakhs votes per constituency, to detect a rigging of upto 7500 votes with 95% probability we need an audit of 534/3314 (about 16%) VVPATs per constituency. Hence we need an VVPAT audit of at least 16 % to ensure the validity of an election won with 0.5% margin that is 7500 votes.(approximately)

Next important aspect of audit after adequate sample size will be transparent & independent randomization . If process of randomisation is compromised the sample of VVPATs selected can be made non representative of the constituency being audited. So after having an adequate sample size the randomization procedure in the selection of that sample must be transparent & must ideally be done by a party not directly responsible for conduct of election .

Most importantly Full VVPAT tally of all booths of the constituency in case of mismatch(in the sample audited) is what allows the audit to correct the wrong results shown by the EVM.

This Full VVPAT tally ensures the people’s mandate prevails over the EVM mandate.

Without this full VVPAT tally VVPAT/sample audit serves no purpose & only helps in deceiving voters.

ECI flip flops on VVPAT audit

After SC intervention on delay in implementation of VVPATs, On May 12 2017 ECI made this press release titled—“[Meeting of all Political Parties on issues related to EVM/VVPAT and other Electoral reforms](#)” (after upgrade the new ECI website doesn't have link to the old press releases).

In it ECI said “The Commission will count V-VPAT slips up to a definite percentage, which will be determined by the Commission. The ECI will be shortly evolving an appropriate framework in this regard.”

On July 6, 2017 IndianExpress(IE) reported on the front page “EC to tally paper trail slips with EVMs in 5% booths in each assembly seat”, the article also had details on how the 5% VVPAT audit decision was reached.

The article also said “The decision on compulsory counting of paper trail slips, which was approved by the full Commission before Nasim Zaidi retired as the Chief Election Commissioner on Wednesday, is a response to the demand made by political parties at a meeting held by the EC on May 12.”

Inspite of this 5% audit decision— On October 10, 2017 Indian express published report titled [“Will compare VVPAT paper slips in one polling station of all 182 assembly constituencies: CEC on Gujarat polls”](#)

On December 7, 2017 hearing a petition on use of VVPATs & request for VVPAT audit in Gujarat Elections, Gujarat HC ordered— “Even though we are not inclined to accept the petitioner's suggestion of full manual counting of votes, to inquire from the EC, whether any framework for sample counting of VVPAT slips along with EVM votes on random basis has been set up or not.”

In this December 8,2017 IE report ([Gujarat elections: High Court notice to EC on counting of VVPAT slips](#)) on the above December 7 Gujarat HC order it is reported that “The EC, however, opposed the petition claiming that EVMs are tamper-proof and paper trail can't be counted.”

On December 8,2017 after the December 7 Gujarat HC order enquiring about framework for VVPAT audit ECI made [press release telling VVPAT audit of 1 booth/constituency will be done](#) . (after upgrade the new ECI website doesn't have link to the old press releases)

December 7, 2017 Gujarat HC order can be accessed [here](#) & final Gujarat HC order on December 12 [here](#)

On December 1 ,2018 Economic times published this report—['After ISI report, EC to decide on raising polling stations where VVPAT slips matched with results'](#)

This comes about one and a half year after, not carrying out 5% VVPAT audit decision & conducting several state elections without proper audit which essentially makes the elections invalid.

In it then CEC tells ECI have asked ISI for a report on how much should be the sample size(of VVPAT's audited) “for 99.99 per cent confidence level with near zero error”

This sounds promising, but can well be an attempt of further deception.

As can be seen from analysis above by faculty from same ISI , we seem to need a sample size or VVPAT audit of more than 16% for this 99.99% confidence level with near zero error.

Coming from ECI that has not done any meaningful audit & doesn't even have a provision for full audit on mismatch this said upcoming ISI report(if it comes) has to be watched carefully. It was said in the Newsreport that the ISI report will come after recent five state elections are over. The said ISI report needs to be in public domain well before notification of General Elections 2019 , so that political parties & voters may study & respond to the adequate sample size suggested by the ISI report .(If EVM/VVPAT is used in General Elections)

SC order leaving discretion to ECI forms basis of further Judgements on VVPAT audit.

On October 24,2017 petition was filed in SC by All India Congress Committee (AICC) Secretary Prakash Joshi, seeking a direction to the Election Commission of India (ECI) to frame appropriate rules, regulations and guidelines for the counting of VVPAT paper trails.

On October 30,2017 SC bench of CJI,Justice A.M. Khanwilkar , Justice D.Y. Chandrachud disposed off the petition wp(c) 983/2017 citing

“As far as Prayer (b) is concerned, it is urged by Mr. K.K. Venugopal that guidelines have already been brought by the Election Commission of India. The same is disputed by Mr. Kapil Sibal and Mr. Vivek Tankha, learned senior counsel appearing for the petitioner. We leave it to the discretion of the Election Commission of India, as we are not inclined to enter into the said arena.”

(This case happened before Gujarat HC intervened(December 7,2017 HC order as above) in the matter. By intervening Gujarat HC ensured ECI atleast does the token arbitrary audit of 1 booth/constituency. But later Gujarat HC also followed this SC Judgement.)

The SC order can be accessed [here](#)

On November 20, 2017 same SC bench dismissed wp(c) 1012/2017 petition requesting removal of clause 56(D)(2) of the Conduct of Elections Rules, 1961 , which leaves decision to recount by VVPAT to the sole discretion of Returning Officer.

The order can be accessed [here](#)

On December 15, 2017 Secretary, Gujarat Pradesh Congress made plea in SC to cross-verify 25% VVPAT-EVM votes in State polls. SC bench of Justices CJI, A.M Khanwilkar & D Y Chandrachud refused plea making some oral observations ([see this newsreport](#))

“Do you have any cogent material to show us that the EC’s decision was taken arbitrarily? We can only exercise our judicial powers after positively concluding that EC has exercise its powers arbitrarily. We have to be slow in a case when the EC has already taken a decision, How can we discredit a process?”

The arbitrariness of ECI decision to audit 1 booth/constituency or about 0.36% of VVPATs & the need for statistically significant audit was not brought up by the petitioners counsel. Petitioner’s counsel also failed to bring to SC’s notice the July 2017 decision of ECI on 5% VVPAT audit. Neither was proper & statistically sound audit, stressed as necessary part of people’s voting rights.

“Bench also said that the cause of clean elections is anyway covered when a candidate reserves the right to demand a re-count of votes polled from the Returning Officer concerned. This safeguard is provided notwithstanding the the “one-booth formula” directed by the EC.” (quoting from the report)

Same bench had dismissed petition(as can be seen above) seeking amends to clause leaving the decision of recount by VVPAT to the sole discretion of Returning Officer.

This right of candidates to ask for recount with VVPAT is almost never allowed by returning officer .For example recounting with VVPAT on request was allowed only in 2 of the 50128 booths in Gujarat Elections.(See here) .

On October 12, 2018 SC bench of Justice A K Sikri & Justice Bhushan dismissed petition by Kamal Nath seeking 10% of randomized VVPAT audit & to provide electoral rolls in text format to detect deletion of voters & other pleas regarding electoral roll manipulation . The bench depended on past SC orders dismissing pleas for VVPAT audit which had left discretion to ECI .

“In view of the orders dated October 30, 2017 passed in W.P.c No 983 of 2017 and on the basis of statement given by the ECI in the Court, we do not intend to entertain this relief”

[Read the full judgement here](#)

How much ECI values people's right to vote

Disenfranchisement

The state of being deprived of a right or privilege, especially the right to vote.

Several lakhs of voters were deleted by ECI from voter list by linking aadhaar “voluntarily”([EC to Link Aadhaar-Voter ID? It Already Did So Without Our Consent](#)) in several states . In Telengana this amounted to about 22 lakh people or about 8% of electorate([Mass deletion of voter names reported in Telangana polls](#)).

ECI did almost nothing to correct this deletions & even didn't allow request of opposition parties to postpone election([Deletion of 30 lakh Hyderabad voters worries Election Commission](#)) to allow time for correction of voter deletions.

After Disenfranchisement of lakhs of Indians Telengana CEO “Apologised”!. ([‘Sorry, will take special measures next time’: Telangana CEO apologises to Jwala Gutta, others for missing voters names](#))

Then on January 1, 2019 EC announced dates for Telengana panchayat elections ([Rural polls to be held in three phases](#)) without rectifying the mass voter deletion.

New CEC had this to say when enquired about Telengana incident in this interview ([We have zero per cent tolerance for malpractice, says CEC Sunil Arora](#)) -

“On Telengana, it is very ironical that ever since these technology platforms have come into the electoral rolls, whatever the manual issues used to be, the mistakes that were not detected, are now getting detected. We have ERONet on a pan-India basis. So, in Telengana, the same people complained to the Hyderabad High Court. We gave our side of the picture and the petition was dismissed. (contd)”

Then in the same interview he went on to tell one of his major agenda is to make the electoral roles Purier.

In another report([Up to 15% of voters left out of rolls, without even a fair hearing](#)) on a [study done by EPW in Karnataka](#) tells “ Up to 15% of the total electorate of around 130 million adult citizens is missing from the electoral rolls. Data also showed a disproportionate exclusion of Muslims, and pointed to the possibility of similar exclusion among marginalised castes.”

The report goes on to further tell “Out of 2.8 lakh new applications for enrolment during 2017–18, a high 62% were rejected—as many as 18% were denied on the ground of not being Indian citizens and 24% for unspecified reasons. To put it more dramatically, among the total number of rejects, around 30% were rejected on the ground of not being Indian citizens and 39% for reasons not publicly available.”

Evidence of widespread EVM Error / Rigging

In Telengana elections votes counted in several constituencies were more than votes polled, Deccan Chronicle reported it on front page as [Tally mismatch in Telangana Assembly poll results: Are winners losers?](#). It was aptly referred to as [Electoral mockery](#) . This report from

vijayakranthi news shows Votes counted were significantly more than votes polled in at least 31 constituencies.

This occurring in several constituencies points to large scale EVM error or manipulation & essentially makes election invalid. A full open immediate VVPAT audit in these constituencies was a minimum step to be taken by ECI in this serious incidence. But even with [written request from political party representatives](#) nothing was done by ECI. The CEO tried to refute the newspaper reports, but those attempts fell flat ([CEO's clarification on vote mismatch proves wrong](#)). This serious incident happened after election commission refused to postpone elections as political parties pointed out issue of deletion of lakhs of voters from voter lists.

This mass voter deletion & widespread EVM error/rigging was mostly not covered by the national or other state level mainstream media.

On 27th December,2018 VVPAT slips were found to be removed from VVPATs in Jubilee Hills Constituency , This happened despite EC clause that printed slips must not be removed from VVPATs for 45 days after declaration of results . This points to grave misdoings & also essentially makes delayed VVPAT tallies meaningless .Read the news report [here -Slip out: VVPAT slips go 'missing' in Jubilee Hills, Congress demands re-poll](#)

Curious cases of nonclearance of mockpoll

In Gujarat elections the headlines after election read “[100% Match Between EVMs and Paper Trail Slips on Random Vote Count, Says EC Official](#)” but the report showed there was mismatch in at least 4 seats.

“There was a mismatch of some votes on one booth each of these four seats. This occurred because the Returning Officer must have made the same mistake but it could not be detected earlier. So we took into account VVPAT slips for these booths during the counting and resolved the issue,” said Gujarat Chief Electoral Officer B B Swain in the report.

The mistake CEO is talking about here is the nonclearance of mockpoll . But if it was indeed mockpoll not being cleared , checking the mockpoll form tally would have solved the issue with clarity & CEO wouldn't have to make the assumption of “RO must have made the error of not clearing mockpoll results”.

Anyway currently with VVPAT mismatch even if it was not a mockpoll issue & indicated EVM error/ rigging , the returning officer will just show the election manual & tell, we have no option or rule for full VVPAT tally , so just take the favour of accepting the booth tally & live

with it. So essentially no VVPAT mismatch comes out , its always a 100% match on audit.

This report ([#MadhyaPradeshElections2018: What explains the delay in counting?](#)) from MP election tells “On the day of counting, the State Election Commission informed that the figure of such polling booths where CRC had not been removed after mock polls have increased to 175 across the state.”

The curious case of increasing number of uncleared mock polls is a concern. According to EC EVM VVPAT manual returning officer have to sign a form telling mock poll results have been cleared before start of election, & this has to be verified & signed by polling agents.

This high number of uncleared mock polls causes unnecessary delay in counting(as VVPAT tallying will be done in those booths) & may give counting agents a false sense of VVPAT audit which is being done on a non representative sample.

Paper ballots must be preferred

Paper Ballots makes election process transparent & allows the common voter to easily understand the election process. It ensures each vote is counted by direct verification. It also allows interpretation of votes without need of technology as a middleman.

Paper ballots don't need elaborate security checks & measures as EVM VVPAT and only require secure printing & full video camera monitoring(without power cut)during poll and post poll to verify & ensure integrity of election.

Only real advantages EVM may have over Paper Ballot is prevent votes being invalid & slowing ballot stuffing , that can happen during booth capturing.

But with EVM, instead of booth capturing, capturing can happen at state level or a national level and can still go undetected without proper audit of adequate sample size. And after doing proper audit we need full tally on mismatch & an accountable ECI to ensure peoples mandate prevails over EVM mandate.

As we saw in Telengana – (where at least in 31 constituencies votes counted were significantly more than votes polled) - even a widespread EVM error or a badly executed EVM tampering can go undetected till the last moment of counting . Nothing has been done by the ECI to stop the results in Telengana. ECI has not even done an immediate full VVPAT tally atleast in these constituencies to detect the source of

error/fraud .Courts will be slow to spring into action & usually refuses to intervene in election results.

Paper ballots will have made the error/fraud visible to public on the day of election itself. With EVM the trends of election may go wrong till last moment of counting till proper audit (if implemented) is done & the EVM results needs to be corrected based on the full audit .

Hence Paper Ballots seems to be the much better option in front of a technology & system that can and has been made unaccountable.

Only place EVM/VVPAT have some relevance is problem areas where it may help in slowing ballot stuffing in case of booth capturing as described above .

The malfunction rates of VVPATs are often high & is a cause of concern. ([‘Over 2,400 VVPAT machines malfunctioned’](#)). Also there are conflicting reports of VVPATs' performance during increased heat & direct light. see these reports([Former CEC, Experts Challenge Election Commission’s Theory on VVPAT Failure , VVPAT may hit poll result](#)) . Even ECI manual tells “Don’t allow direct light or high power illumination over VVPAT.” (Page 129).

Several steps needs to be done to ensure People's Mandate prevails in elections

Political parties & Citizens must take a firm stand without further delay that-

Paper ballots must be used at least in problem free areas.

Political parties & Citizens must not go into EVM/VVPAT elections without -

Proper VVPAT audit with adequate sample size—Every vote must ideally count & Time must never be a constraint in deciding peoples mandate.—At the very least we must have a VVPAT audit that is capable of detecting upto 0.5% rigging with 95% probability , which requires about 16% audit as pointed out by analysis of ISI faculty above.

Election commission must implement rules or clause allowing necessitated full audit/tally of 100% VVPATs of a constituency in case of mismatch in the sample audit.

Supreme Court can be approached but in recent cases Supreme court have failed to make ECI accountable to citizens. If cases can be presented well in the SC by professional lawyers the bench will be able to understand that a proper audit with adequate sample size & full audit on mismatch are basic part of citizen's voting rights & are needed to ensure the elections are valid.

The status of ECI's ISI report on VVPAT sample size for "[99.99% confidence level with near zero error](#)" must be enquired. But waiting for the report to act will not be helpful.

Extra adequate/set number of VVPATs must be tallied on contestants request for recount. Contestants may be allowed to pick VVPATs for this audit. (removal of notorious clause 56(D) (2) that has taken away right of candidate to ask for VVPAT tally)

Other measures needed include

Randomisation must be transparently & independently done

In case VVPAT slips are not properly recorded , provision must be there for reelection if indicated by the margin.

Political parties must educate election agents about—How results are invalid or not final till proper audit & full VVPAT tally(if needed)is done ,importance of randomisation, meaning of mismatch in sample audit , & the necessity of full audit on mismatch.

Above all we must have an Election commission that is accountable and works for ensuring voting rights of every Indian & not one that works to disenfranchise us.

Key Points

So rather than repeating facts like any technology is hackable , We need to talk about the current scenario of Indian Elections.

ECI has not been doing any meaningful audit & has not yet carried out even its July 2017 decision of 5% audit . [ECI EVM VVPAT manual](#) doesnt even have a provision for full audit on mismatch, which is a basic & grave omission from ECI.

Proper VVPAT audit with adequate sample size followed by full audit on any mismatch is essential part of voting right of every Indian.



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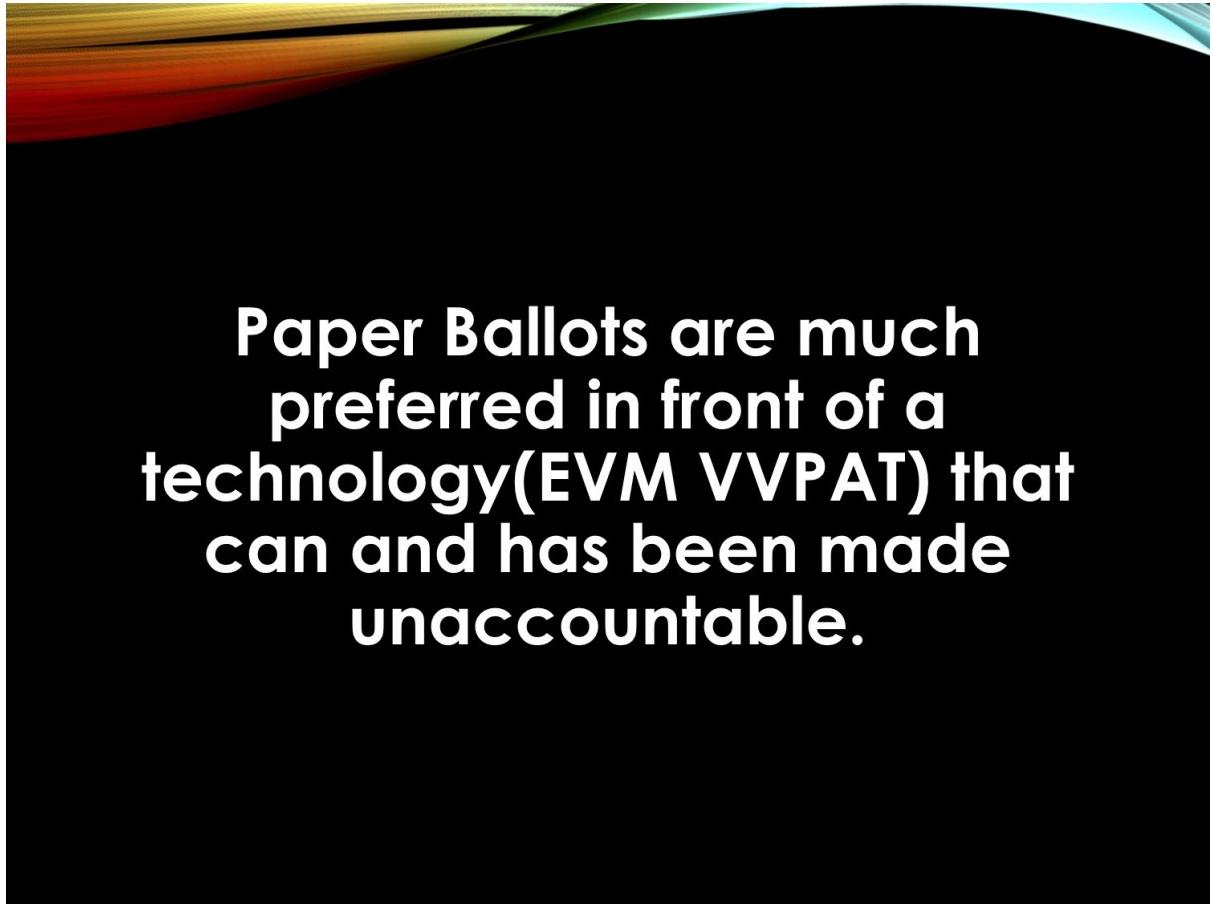
Without proper audit election results carry no credibility & are essentially invalid.

Even if there was no evidence of EVM error/rigging till now , it is no excuse to evade proper audit in future elections which is a different event. (X and Y can be entirely different)

In Telengana at least in 31 constituencies votes counted were significantly more than votes polled . This essentially means evms are prone to error/rigging. Either (error or rigging) proves conclusively ECI EVM results cant be depended on & We must ensure every vote counts. And even in this 31 constituencies in Telengana ECI didn't do the minimum step of immediate full VVPAT audit, let alone stop the results.

Clause 56(D)(2) of election rules which leaves decision to count (VVPATs on candidate's request) to sole discretion of returning officer is gravely misused . It has made the right of candidate to ask for VVPAT tally essentially nonexistent.

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It is frightening to see how easily we can be blinded by favourable election results & media opinions . We must be hopeful , but should not fail to do our duty as citizens in ensuring the integrity of elections.

As Dr.B.R Ambedkar had warned

If hereafter things go wrong, we will have nobody to blame except ourselves.”

Credits

Thanks to all Media organisations & Journalists for the reports(links are underlined—can be clicked & viewed at original source) without which this compilation will not have been possible.